

commissioners court of said county shall be of the opinion that it is necessary or advisable so to do to protect the interest of the county, for such price as the commissioners court may deem advisable for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed.

FELLBAUM, Chairman.

#### FIFTY-FIFTH DAY (Continued).

Senate Chamber,  
Austin, Texas,  
April 5, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Point of No Quorum.

The point of order was raised that a quorum was lacking. The roll call showed 21 present.

#### Senator Excused.

Senator Hopkins was excused for the day on account of illness on motion of Senator Sanderford.

#### S. J. R. No. 20.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Duggan:

S. J. R. No. 20, Proposing an amendment to Article 5 of the Constitution of Texas by adding thereto Section 30 providing that the Legislature may, by general law, provide for complete forms of county organization and government different from that provided for in Article 5 of the Constitution of the State of Texas, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

Read second time.

Senator Duggan sent up the following amendment:

Amend S. J. R. No. 20 by striking out all of Section 1 thereof and by inserting in lieu thereof the following:

Section 1. That there be added to Article V of the Constitution of the State of Texas, a new section with six lettered subdivisions to be numbered Section 32, and which section shall read as follows:

"Section 32. (a) The method of compensating county and precinct officers on a fee basis is hereby abolished, and all county and precinct officers shall hereafter be paid on a salary basis, and all fees earned by county and precinct officers shall be paid into the county treasury for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in cases where pauper's oath is filed, shall be paid into the county treasury when collected.

(b) In addition to all authority now conferred upon the commissioners court, they shall be charged with the general management and control of the affairs of the county.

(c) The commissioners court shall, on the recommendation of the county judge, appoint the following county officers: Tax clerk, who shall perform all duties now performed by the tax assessor and the tax collector; record clerk, who shall perform all duties now performed by the clerk of the district court and the county clerk; treasurer; surveyor; public weigher. Any of the above offices may be combined by said court, and all of said officers shall serve at the will of said court, and their compensation, and the compensation of all elected county and precinct officers shall be fixed by the commissioners court, provided that the Legislature shall fix the salary of the county judge and the county commissioners, and the maximum salaries of all other county officers; and provided further, the commissioners court shall, upon recommendation of the county judge, determine the number of deputies, assistants, and clerical help of all county and precinct officers, and fix the amount of their salaries.

(d) Any and all county officers and employees may, in addition to their duties as such county officers or employees, be required to perform such other similar duties for

cities, towns, and districts within the county as may be mutually agreed upon and contracted for between the commissioners court of said county and the governing board, or boards, of such cities, towns and districts; and the costs of such service shall be provided for in said contracts and paid by such cities, towns and districts into the treasury of the county. All such contracts shall be approved by the Attorney General of this State.

(e) The Legislature shall have authority by general law to provide for complete forms of county organization and government different from that provided for in this Constitution, and in subsection (c) hereof, to become effective in any county when submitted to the qualified voters thereof in an election held for such purpose and approved by a majority of those voting thereon, provided however, that no such general law shall impair the power of the commissioners court to appoint clerical and administrative officers and to determine the number of deputies, assistants and clerical personnel of all such county, precinct and district officers and fix the amount of their salaries within the maximum, which may be provided for by the Legislature, and provided further, that such general law shall not change present constitutional limitations as to particular and total tax levies for any and all county purposes.

(f) All powers and functions of government now vested in any county, and all cities and towns in any such county, may be merged and hereafter exercised by the county as the governmental unit, provided, that such merger shall first be approved and authorized by the vote of a majority of all qualified property taxpaying voters residing within the corporate limits of such cities and towns, cast in favor of such merger, at any special or general election, and by the vote of a majority of all qualified voters residing within the county outside of the corporate limits of such cities and towns, cast in favor of such merger at such election, and such county governmental unit when so created, may adopt a charter authorizing and empowering the governing authority of such county to exercise all of the governmental powers and functions then being exercised by such

county, city, cities, town or towns, under the Constitution and laws of this State, provided however, that no other, further or greater powers or functions of government shall ever be so exercised; and provided further, that the Legislature shall have the power to change, modify or amend any such charter as may be adopted hereunder, if such charter be by the Legislature deemed in conflict or inconsistent with this Constitution, or of the laws or policies of this State, and the Legislature shall enact such appropriate laws as shall make effective this provision of this constitutional amendment."

DUGGAN.

The amendment was read.

On motion of Senator Duggan, the resolution was laid on the table subject to call.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, April 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the following change has been made with reference to conferees on the part of the House on H. B. No. 169 (Eleemosynary appropriation bill), Scott substituted for Burns.

The House has heretofore on March 20, 1933, refused to pass to engrossment, by a vote of 62 yeas and 70 nays, and reconsidered and tabled by a vote of 66 yeas and 65 nays

H. B. No. 103, A bill to be entitled "An Act to raise additional taxes; to aid farming and live stock raising, and encourage county, district and State fairs; authorizing but not compelling commissioners courts to grant licenses for racing of horses; requiring the giving of bond by licensees, and the payment of license fees to the county, etc., and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 150.

The Chair laid before the Senate, as pending business, the following bill:

By Mr. Morrison, Mr. Chastain, Mr. Alexander, Mr. Hoskins, Mr. Hodges, Mr. Barrett, Mr. Hankamer, and Mr. Hicks:

H. B. No. 150, A bill to be entitled "An Act to amend Article 2218, Title 41, Chapter 9, of the Revised Civil Statutes, 1925, providing that in a foreclosure, if the property be real property, and if the proceeds of such sale be insufficient to satisfy the mortgage and other liens, then no judgment shall issue, as a deficiency judgment against any other property of the defendant to satisfy any balance thereof remaining unpaid; and declaring an emergency."

On motion of Senator Poage, the minority report was substituted for the majority report.

The four committee amendments were adopted.

Senator Poage sent up the following amendment:

Amend committee amendment to H. B. No. 150 by adding after the words "actual value" wherever they occur the following "exclusive of superior liens including tax liens."

POAGE.

Read and adopted.

Senator Woodward sent up the following amendment:

Substitute Bill for H. B. No. 150.

#### A BILL

#### To Be Entitled

An Act to provide for the redemption of property hereafter sold at public sale by the repayment to the purchaser thereof of the purchase money with interest and fixing the time and manner of such payment and relieving such property from resale for the same indebtedness and/or obligation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any owner or owners of property hereafter sold at public sale under execution, order of sale, mortgage, deed of trust and/or otherwise, is hereby given the right to redeem all such property from the purchaser thereof in the manner following: •

Such owner or owners of all real estate so sold, may at any time within ninety days after the date of sale, pay to the purchaser of such real estate in cash, the full amount of the purchase money paid by such

purchaser together with interest thereon at ten per cent per annum from the date of payment thereof by such purchaser and in like manner the owner or owners of personal property so sold may at any time within thirty days redeem the same by paying to the purchaser thereof the purchase price thereof together with ten per cent interest per annum from the date of the payment thereof by such purchaser.

Sec. 2. No property, real or personal, hereafter sold at public sale and redeemed, as above provided, shall ever be subject to resale or in anywise incumbered by or on account of the indebtedness, obligation, lien or incumbrance for which such sale was made, but shall be forever discharged by such sale from all such indebtedness, obligation, lien or incumbrance, including all installments thereof which the owner and/or holder of the indebtedness has or may have the option to mature before such sale by reason of any right to accelerate maturities of such indebtedness or installments.

Sec. 3. If the purchaser be a non-resident or for any reason tender of the money cannot be made to him, it shall be sufficient compliance with this law to tender the sum of money necessary to redeem such property in the registry of the court having jurisdiction of the amount thereof.

Sec. 4. Each and every provision of this Act is independent of the other and would have been enacted independent of the other and if any provision is void, its invalidity shall not affect any other provision.

Sec. 5. The fact that property of citizens of this State is being sacrificed at public sales in this State and citizens of this State driven to bankruptcy because of their property so sold, being sold at prices equalling only a small percentage of its value and only a small percentage of the obligation for which same is sold and there is now no law which will induce the holders of such obligations to bid a fair price for such property, creates an emergency and imperative public necessity that the constitutional rule which requires that bills be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force

from and after its passage, and it is so enacted.

WOODWARD.

The substitute was read.

Senator Woodward sent up the following amendments to the substitute:

Amend by striking out of the substitute all reference to personal property.

WOODWARD.

Read and adopted.

Amend by adding after the word "incumbered" wherever it appears in Section 2, the words "except by contract."

WOODWARD.

Read and adopted.

Senator Sanderford raised the point of order that the substitute as amended, being an equity redemption measure, was not germane to the original bill, which was a deficiency judgment measure.

The Chair, Senator Holbrook, overruled the point of order.

Senator Poage moved to table the amendment as amended. The motion prevailed by the following vote:

Yeas—16.

Blackert.	Neal.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.

Nays—11.

Collie.	Parr.
Holbrook.	Purl.
Hornsby.	Regan.
Murphy.	Russek.
Oneal.	Woodward.
Pace.	

Absent.

Beck.	Small.
Hopkins.	

Absent—Excused.

Woodul.

Senator Oneal sent up the following amendment:

Amend committee amendment to H. B. No. 150 by adding in line 14, after the word "property" and before the word "and" the following:

"And if there are no liens for taxes against said property"

ONEAL.

The amendment was read.

Senator Poage moved to table the amendment.

### Bills and Resolutions.

By unanimous consent the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Hornsby:

S. B. No. 500, A bill to be entitled "An Act amending Article 8183, and Article 8184, Chapter 7, Title 128, Revised Civil Statutes of the State of Texas, 1925, providing for the dissolution of drainage districts, water improvement districts, and all other reclamation districts created for the conservation, reclamation and protection of the natural resources of the State of Texas, and providing more fully for the liquidation, settlement and payment of all established and valid indebtedness of such districts at the time of its dissolution, and providing for the payment of taxes against the persons and property assessed and assessable in such district with bonds, coupons, and indebtedness of said district, which may have been approved by the commissioners court; and providing for the payment of all taxes and the settlement of all liability of the owner or owners of property in such district through payment in bonds and/or coupons or approved accounts of said district, so that the party and parties so paying and the property upon which payment is made shall be relieved from all further liability for or on account of any and all indebtedness of such district and from further payment of taxes, and providing for the giving and recording of release, in such event, and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

The rule failed to be suspended to permit the introduction of the following bill by the following vote:

Yeas—18.

Cousins.	Fellbaum.
Duggan.	Holbrook.

Hornsby.	Parr.
Martin.	Poage.
Moore.	Redditt.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Stone.
Pace.	Woodruff.

**Nays—5.**

Blackert.	Rawlings.
Collie.	Woodward.
Purl.	

**Absent.**

Beck.	Patton.
DeBerry.	Regan.
Greer.	Small.
Hopkins.	

**Absent—Excused.**

Woodul.

(25 yeas required.)

By Senators Stone and Murphy:

S. B. No. —, A bill to be entitled "An Act authorizing the State Prison Board to authorize the manager of the Texas Prison System to submit bids in behalf of said prison system to the State Board of Control to furnish printing, binding, stationery and similar supplies to all departments, institutions and boards of the State of Texas; providing that such bids or proposals shall not be required to be accompanied by a bidder's bond or certified check; providing that the Texas Prison System shall not be required to furnish a bond to insure the faithful performance of the contract entered into with the Board of Control upon such bids or proposals; authorizing the manager of the Texas Prison System to execute such contract with the Board of Control; authorizing the Board of Control to receive such bids and to enter into such contract; providing that the Texas Prison System shall not be required to label as prison-made merchandise any such printing, binding, stationery or supplies; providing that the requirements of Acts of 1927, Fortieth Legislature, page 370, Chapter 251, shall not apply to any goods, wares, merchandise and articles purchased from any penal institution of the State by the Board of Control for the use of any State department, board or institution; repealing all laws in conflict with the provisions of this Act, and declaring an emergency."

By unanimous consent the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Holbrook:

S. B. No. 501, A bill to be entitled "An Act to amend Article 2592, Revised Civil Statutes of Texas, 1925, as amended by Chapter 42, Section 1, General Laws of the Regular Session, Forty-second Legislature, page 63, and to amend Article 2593-a, Revised Civil Statutes of Texas, 1925, so as to permit expenditure of a part of the University Available Fund for the salaries of officers, teachers and employees and for general maintenance of the University of Texas and the Agricultural and Mechanical College, same to be in addition to the purposes for which expenditure of said fund has been heretofore authorized, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Poage:

S. B. No. 502, A bill to be entitled "An Act amending Section 2, of Chapter 34 of the Acts of the First Called Session of the Forty-first Legislature of the State of Texas, so as to authorize the commissioners court of McLennan County to fix the salary of the road supervisor of said county; and by amending Section 22, of said Chapter 34 of the Acts of the First Called Session of the Forty-first Legislature, as amended by Chapter 26 of the Acts of the Second Called Session of the Forty-second Legislature of the State of Texas, so as to provide that county commissioners in McLennan County shall receive no compensation other than that provided by general law; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

**Senate Bill No. 240.**

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Russek:

S. B. No. 240, A bill to be entitled "An Act amending Article 2558, Re-

vised Civil Statutes, 1925; and declaring an emergency."

Read second time.

Senator Blackert sent up the following amendment:

Amend Senate Bill No. 240, Section 1 by adding at the end of the word depository, line 17, the following:

Provided the county court shall have the authority to determine the rate of interest charged of their county depository, and amend the caption to conform.

**BLACKERT.**

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Blackert, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 240 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Oneal.	

**Absent.**

Beck.	Small.
Hopkins.	

**Absent—Excused.**

Woodul.

Read third time and finally passed by the following vote:

**Yeas—23.**

Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

**Nays—1.**

Rawlings.

**Present—Not Voting.**

DeBerry.	Stone.
Purl.	

**Absent.**

Beck.	Small.
Hopkins.	

**Absent—Excused.**

Woodul.

**Recess.**

On motion of Senator Woodward, the Senate, at 12:24 o'clock p. m., recessed until 2:30 o'clock p. m.

**After Recess.**

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**House Bill No. 150.**

The question recurred upon the motion to table the amendment (by Senator Oneal) to H. B. No. 150.

Senator Poage withdrew the motion to table.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 150 by adding a new section just before the emergency clause reading as follows:

The provisions of this Act shall apply only to judgments foreclosing liens or sales under deeds of trust where the judgment or sale under deed of trust is based on original purchase money notes in the hands of the original payee; provided, however, the provisions of this Act shall apply to original purchase money notes in the hands of third persons unless the assignment of the notes and liens are made at the request of the person owning the real estate at the time of the assignment.

**HOLBROOK.**

The amendment was read.

Senator Poage moved to table the amendment. The motion prevailed.

Senator Oneal sent up the following amendment:

Amend Senate Substitute for House Bill No. 150 by adding im-

mediately after Section No. 4 a new section to be known as Section 4a as follows:

"In no case where the lien is given or obtained to secure the payment of a debt for money or property procured by false representation, fraud or defalcation, shall the defendant be allowed to plead that the property sold at less than its actual value, but any sale fairly made under such lien shall be conclusively presumed to have been made for the actual value of such property so sold."

ONEAL.

Read and adopted.

Senator Woodward sent up the following amendment:

#### New Section.

The burden of proof shall be upon the defendant to establish by clear and satisfactory evidence the facts necessary to establish his defense or affect or credit and the court shall so instruct the jury.

WOODWARD.

Read and adopted.

The bill was passed to third reading by the following vote:

#### Yeas—17.

Beck.	Neal.
Blackert.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Martin.	Russek.
Moore.	

#### Nays—8.

Collie.	Oneal.
Holbrook.	Pace.
Hornsby.	Stone.
Murphy.	Woodward.

#### Absent.

Hopkins.	Small.
Patton.	Woodruff.
Sanderford.	

#### Absent—Excused.

Woodul.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 150 was put on its third reading and final passage by the following vote:

#### Yeas—23.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Stone.
Neal.	Woodward.
Oneal.	

#### Nays—3.

Collie.	Murphy.
Holbrook.	

#### Absent.

Hopkins.	Small.
Sanderford.	Woodruff.

#### Absent—Excused.

Woodul.

Read third time and finally passed by the following vote:

#### Yeas—16.

Blackert.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Moore.	Regan.
Neal.	Russek.

#### Nays—8.

Collie.	Oneal.
Holbrook.	Pace.
Hornsby.	Stone.
Murphy.	Woodward.

#### Absent.

Beck.	Small.
Sanderford.	Woodruff.

#### Absent—Excused.

Woodul.

(Pair Recorded.)

Senator Martin (present) who would vote yea, with Senator Hopkins (absent) who would vote nay.

#### Senate Simple Resolution No. 85.

Senator Pace sent up the following resolution:

Whereas, Our youngest Senator, Hon. Wilbourne B. Collie of East-

land, is today celebrating his birthday, and

Whereas, On account of his youth and energy he will on this occasion need the services of a special page, and

Whereas, His young son, Dan Lane Collie, age three, is eminently qualified to keep his father especially and the other Senators generally well occupied, therefore, be it

Resolved, That the Lieutenant Governor be requested to designate Dan Lane Collie, the son of our distinguished colleague of Eastland, as a special page on this occasion to his father, the Senator from Eastland, and further that the said youth, Dan Lane Collie, be designated "Regular Mascot for the Senate."

PACE.  
BECK.

Read and adopted.

#### Senate Bill No. 139.

The Chair laid before the Senate as special order the following bill:

By Senator Woodul:

S. B. No. 139, A bill to be entitled "An Act to amend Articles 6229, 6230, 6231, 6232, 6233, 6234, 6235, 6236, 6237, 6238, 6239, 6240, 6241, 6242, and 6243, Title 109, Chapter 2, of the Revised Civil Statutes of 1925, providing pension funds for employees of cities and towns over ten thousand (10,000) inhabitants in the State of Texas, and declaring an emergency."

Read second time.

On motion of Senator Purl, the bill was laid on the table subject to call.

#### Senate Bill No. 179.

The Chair laid before the Senate as special order the following bill:

By Senator Cousins:

S. B. No. 179, A bill to be entitled "An Act to amend Chapter 91 of the General Laws of the Fortieth Legislature, amending Article 7596 of the Revised Statutes of the State of Texas, regulating liens for water rates, so hereafter to limit the statutory lien on crops to secure water rates for irrigation to one-third of the crop; and to give to those supplying water for irrigation a preference lien on crops superior to every other lien; to limit the lien which public utilities may contract for on

crops to one-third; to authorize waiver of lien by districts; and declaring an emergency."

Read second time.

On motion of Senator Cousins, the bill was laid on the table subject to call.

#### Special Order Set.

On motion of Senator Woodward, H. B. No. 231 was set as special order Thursday morning immediately following the morning call.

#### Senate Bill No. 209.

The Chair laid before the Senate as special order the following bill:

By Senators Beck, Purl, Moore, DeBerry, Hornsby, Woodruff:

S. B. No. 209, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-second Legislature, Chapter 340; fixing the maximum annual fees of office authorized to be retained by certain district, county and precinct officers named herein; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The two committee amendments were adopted.

Senator Rawlings sent up the following amendment:

Amend Committee Amendment No. 2, S. B. No. 209, as follows:

Amend by inserting between lines 50 and 51, page 5, the following:

"Section 3-a, Article 3886 of the Revised Civil Statutes of 1925, as amended by Chapter 20, Fourth Called Session of the Forty-first Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Article 3886: In any county having a population in excess of 150,000 according to the last preceding Federal census and having a county attorney, the county attorney shall receive and in counties having a population in excess of 150,000 according to the last preceding Federal census which do not have a county attorney the district attorney or criminal district attorney shall receive all fees, commissions and perquisites earned by such office; provided, that the amount of said salary, fees, commissions and perquisites to be so received and retained by him shall not exceed the sum of



six thousand dollars (\$6,000.00) per year. All salaries, fees, commissions and perquisites so earned and received by such office in excess of said amount during each and every fiscal year shall be paid into the county treasury of said county after deducting the amount necessary to cover the costs of premium on whatever surety bond may be required by law and such other expenses necessary to be paid out by him for the expense of operating said office as provided by law and except as to such portion of such excess as shall be used and expended in the payment of salaries to additional deputies, stenographers, investigators or other employees, as herein provided. Each such county attorney or criminal district attorney in counties of over one hundred and fifty thousand (150,000) population according to the last preceding Federal census having no county attorney may appoint seven (7) assistant district attorneys, two of whom shall receive a salary not to exceed four thousand four hundred (\$4,400.00) dollars per annum each; one of whom shall receive a salary not to exceed thirty-six hundred (\$3,600.00) dollars per annum; two of whom shall receive a salary not to exceed three thousand (\$3,000.00) dollars per annum each, two of whom shall receive a salary not to exceed twenty-four hundred (\$2,400.00) dollars per annum each. He may employ two stenographers, one of whom shall receive a salary not to exceed twenty-four hundred (\$2,400.00) dollars per annum, and one of whom shall receive a salary not to exceed eighteen hundred (\$1,800.00) dollars per annum. He may employ three investigators who shall receive a salary not to exceed twenty-four hundred (\$2,400.00) dollars per annum each. The salaries of assistants, stenographers and investigators and other employees above provided for, shall be paid monthly by said county by warrant drawn upon the general funds thereof. Should such district attorney, criminal district attorney or county attorney be of the opinion that the number of deputies, assistants, stenographers, investigators or other employees above provided for are inadequate for the proper investigation of crime and the efficient performance of the duties of said of-

fice, he may appoint such additional assistants and employees and fix their salaries, provided such salaries shall in no event exceed the maximum provided herein to be paid to such assistants or other employees, but such additional assistants or employees so appointed, before qualifying and entering upon the duties of such office and employment shall be confirmed by the commissioners court of the county in which such appointments are made. The salaries for such additional assistants and employees shall be paid monthly out of the excess fees collected by such district attorney, criminal district attorney or county attorney, and his office, which would otherwise go to said county, a detailed sworn itemized statement of which he shall include in his annual report, as provided to be made by the maximum fee bill. In no event shall said county be liable for the salaries of such additional assistants or employees. Any such assistant, deputy, stenographer, investigator or employee, whether regular or additional shall be subject to removal at will of said district or criminal district attorney.

"The criminal district attorney or county attorney of any county with a population exceeding one hundred and fifty thousand (150,000) according to the last preceding Federal census shall have the right to appoint, in addition to those now provided by law, not more than one assistant district attorney at a salary not to exceed \$250.00 per month, nor more than one clerk or stenographer at a salary not to exceed \$125.00 per month, nor more than two investigators or abstracters at a salary of \$150.00 per month each, for the purpose of assisting the said attorney in performing his duties with reference to the collection of delinquent taxes and such other duties as might be assigned by the criminal district attorney or county attorney; and the criminal district attorney or county attorney of said county may appoint one assistant county or district attorney at a salary of \$250.00 per month, to be known as the Arson Attorney whose duties shall be to assist in the investigation and prosecution of arson cases, together with such other duties that may be assigned to him by the district or county attorney or the

criminal district attorney, such salaries to be paid out of the general fund of the county."

RAWLINGS.

The amendment was read.

Senator Purl sent up the following substitute for the amendment:

Amend committee amendment No. 2, Senate Bill No. 209, as follows:

Amend by inserting between lines 50 and 51, page 5, the following:

"Section 30a, Article 3886 of the Revised Civil Statutes of 1925, as amended by Chapter 20, Fourth Called Session of the Forty-first Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Article 3886. In any county having a population in excess of 150,000 according to the last preceding Federal census and having a county attorney, the county attorney shall receive (and in counties having a population in excess of 150,000 according to the last preceding Federal census which do not have a county attorney) the district attorney or criminal district attorney shall receive all fees, commissions and perquisites earned by such office provided, that the amount of said salary, fees, commissions and perquisites to be so received and retained by him shall not exceed the sum of six thousand dollars (\$6,000.00) per year, which amount shall include the \$500.00 constitutional salary. All salaries, fees, commissions and perquisites so earned and received by such office in excess of said amount during each and every fiscal year shall be paid into the county treasury of said county after deducting the amount necessary to cover the costs of premium on whatever surety bond may be required by law and such other expenses necessary to be paid out by him for the expense of operating said office as provided by law and except as to such portion of such excess as shall be used and expended in the payment of salaries to additional deputies, stenographers, investigators or other employees, as herein provided. Each such county attorney or criminal district attorney in counties of over one hundred and fifty thousand (150,000) population according to the last preceding Federal census having no county attorney may appoint seven (7) assistant district attorneys, one of whom shall receive a salary not to

exceed four thousand (\$4,000.00) dollars per annum each: two of whom shall receive a salary not to exceed thirty-six hundred (\$3,600.00) dollars per annum: two of whom shall receive a salary not to exceed three thousand (\$3,000.00) dollars per annum each: two of whom shall receive a salary not to exceed twenty-four hundred (\$2,400.00) dollars per annum each. He may employ two stenographers, one of whom shall receive a salary not to exceed twenty-four hundred (\$2,400.00) dollars per annum, and one of whom shall receive a salary not to exceed eighteen hundred (\$1,800.00) dollars per annum. He may employ three investigators who shall receive a salary not to exceed \$1,800.00 per annum each. The salaries of assistants, stenographers and investigators and other employees above provided for, shall be paid monthly by said county warrant drawn upon the general funds thereof. Should such district attorney, criminal district attorney or county attorney be of the opinion that the number of deputies, assistants, stenographers, investigators or other employees above provided for are inadequate for the proper investigation of crime and the efficient performance of the duties of said office, he may with the advice and consent of the commissioners court, appoint seven such additional assistants and employees, (and fix their salaries) provided such salaries shall in no event exceed thirty-six hundred (\$3,600.00) dollars per annum each, but such additional assistants or employees so appointed, before qualifying and entering upon the duties of such office and employment shall be confirmed by the commissioners court of the county in which such appointments are made. The salaries for such additional assistants and employees shall be paid monthly out of the excess fees collected by such district attorney, criminal district attorney or county attorney, and his office, which would otherwise go to said county, a detailed sworn itemized statement of which he shall include in his annual report, as provided to be made by the maximum fee bill. In no event shall said county be liable for the salaries of such additional assistants or employees. Any such assistant, deputy, stenographer, investigator or employee, whether or additional, shall

be subject to removal at will of said district or criminal district attorney.

"The criminal district attorney or county attorney of any county with a population exceeding one hundred and fifty thousand (150,000) according to the last preceding Federal census shall have the right to appoint, in addition to those now provided by law, not more than one assistant district attorney at a salary not to exceed \$250.00 per month, nor more than one clerk or stenographer at a salary not to exceed \$125.00 per month, nor more than two investigators or abstracters at a salary of \$150.00 per month each, for the purpose of assisting the said attorney in performing his duties with reference to the collection of delinquent taxes."

PURL.

The substitute was read.

Senator Rawlings moved to table the substitute. The motion was lost by the following vote:

Yeas—5.

Martin.	Russek.
Parr.	Small.
Rawlings.	

Nays—19.

Beck.	Neal.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Regan.
Greer.	Sanderford.
Hornsby.	Woodruff.
Moore.	Woodward.
Murphy.	

Present—Not Voting.

Stone.

Absent.

Blackert. Holbrook.

Absent—Excused.

Hopkins. Woodul.

(Pair Recorded.)

Senator Redditt (present) who would vote nay, with Senator Patton (absent) who would vote yea.

The substitute was adopted.

The amendment as substituted was adopted.

Senator DeBerry asked to be recorded as voting "Nay."

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2 to S. B. No. 209, as follows:

In line 32, page 3, strike out the word "inclusive" and in lieu thereof insert the word "exclusive."

RAWLINGS.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2 to S. B. No. 209, as follows:

In line 42, page 3, after the word "chapter" insert the following:

"except district attorneys and criminal district attorneys in counties having a population in excess of one hundred and fifty thousand (150,000) population according to the last preceding Federal census."

RAWLINGS.

Read and adopted by the following vote:

Yeas—21.

Collie.	Parr.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

Nays—3.

DeBerry. Poage.  
Holbrook.

Present—Not Voting.

Fellbaum. Stone.

Absent.

Beck. Patton.  
Blackert.

Absent—Excused.

Hopkins. Woodul.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2 to S. B. No. 209, as follows:

Amend line 43, page 3, as follows:

"By striking out the word 'current' and adding after the word 'office' the word 'collected'."

RAWLINGS.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2, to S. B. No. 209, as follows:

Amend line 63, page 3, by striking out the words "one-fourth of" so that said line 63, page 3, shall hereafter read as follows:

"officer shall retain all excess fees until the same amount to"

RAWLINGS.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 1, S. B. No. 209 as follows:

Amend line 64, page 3, by striking out the words and figures "two thousand (\$2,000.00) dollars" and in lieu thereof substitute the words and figures as follows:

"three thousand (\$3,000.00) dollars in addition to the amount allowed him under the provisions of Article 3883."

RAWLINGS.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2 to S. B. No. 209, as follows:

In line 3 and 4, page 4, strike out the words and figures "five thousand (\$5,000.00) dollars" and in lieu thereof substitute the following: "six thousand (\$6,000.00) dollars."

RAWLINGS.

The amendment was read and adopted.

Senator DeBerry asked to be recorded as voting "Nay."

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2, S. B. No. 209, as follows:

Strike out lines 5, 6, 7, 8, 9, 10 and 11, page 4, and in lieu thereof substitute the following:

"All fees earned and collected by officers named in Article 3883 during any fiscal year in excess of the

maximum and excess allowed by this Act for their services and for the services of their deputies or assistants and authorized expenses, shall be paid into the county treasury of the county where the excess accrued."

RAWLINGS.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2, Senate Bill No. 209, line 34, page 4, by inserting after the words "district attorney or criminal district attorney" the words:

"in counties having a population of less than 150,000 according to the last preceding Federal census."

RAWLINGS.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2, Senate Bill No. 209, as follows:

Amend line 50, page 5 by adding thereto after the word "State" the following:

"except district attorneys and criminal district attorneys and their assistants and deputies in counties having a population in excess of one hundred and fifty thousand (150,000) according to the last preceding Federal census."

RAWLINGS.

The amendment was read.

Senator Moore moved to table the amendment. The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2, Senate Bill No. 209, as follows:

Amend line 51, page 5, by striking out the words and figures as follows: "Article 3886."

RAWLINGS.

The amendment was read and adopted.

Senator Rawlings sent up the following amendment:

Amend committee amendment No. 2, Senate Bill No. 209, as follows:

Strike out all of Section 5 and in lieu thereof substitute the following:

"Section 5. This Act shall become effective from and after January 1, 1934."

#### RAWLINGS.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed.

Senator Purl sent up the following amendment:

Amend caption of S. B. No. 209 to conform to the body of the bill.

PURL.

Read and adopted.

Senator Fellbaum sent up the following amendment:

Amend Purl amendment to committee amendment No. 2 of S. B. No. 209 by changing all figures in said amendment to \$6000.00 wherever they appear to \$5000.00.

FELLBAUM.

The amendment was read.

Senator Fellbaum withdrew the amendment.

#### Recess.

Senator Stone moved to recess until 9:30 o'clock tomorrow morning. The motion prevailed and, at 5:48 o'clock p. m., the Senate recessed.

### APPENDIX.

#### Committee Reports.

Committee Room,

Austin, Texas, April 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 247, A bill to be entitled "An Act creating a physical restoration service for crippled children in the vocational rehabilitation division of the State Department of Education; providing for the powers and duties of said service granting unto said service power to establish diagnostic clinics and to designate hospitals for the care, treatment and hospitalization of crippled children; and to pay the costs thereof in cases of indigent children; designating the county judge as the agency to determine and certify who are indigent children, and to make the necessary appropriation for carrying out the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend S. B. No. 247 by striking out in Section 6 "thirty-five thousand (\$35,000.00) dollars," and inserting in lieu thereof "twenty thousand (\$20,000.00) dollars."

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, April 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 82, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, April 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Stock and Stock Raising, to whom was referred

H. C. R. No. 44, Proposing to memorialize Congress to pass Senate Bill 1197, known as the Frazier Bill.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, April 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 253, A bill to be entitled "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 852,

chapter 360, section 1, exempting Bailey County and others from the provision requiring the election of a Hide and Animal Inspector, and other provisions of chapter 7, title 121, Revised Civil Statutes of 1925, State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment, and be not printed.

PARR, Chairman.

#### Committee Amendment No. 1.

Amend H. B. No. 253 by inserting the words "Jim Hogg" after the word "Jeff Davis" and before the word "Johnson."

Committee Room,

Austin, Texas, April 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 337, A bill to be entitled "An Act to authorize the State Highway Commission of Texas to construct, operate and maintain, out of funds available for that purpose highway bridges over and across the Intercoastal Waterway of Louisiana and Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 16, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 140, A bill to be entitled "An Act to amend Articles 879, 879A and 879B of the Revised Criminal Statutes of the State of Texas, as amended by Chapter 215 of the Acts of the Regular Session of the Fortieth Legislature, and by Chapter 74 of the Acts of the Regular Session of the Forty-first Legislature regulating and fixing the season in which wild mourning doves, wild white winged doves, wild quail and wild Mexican pheasants may be

taken and killed; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 499, A bill to be entitled "An Act amending Chapter 5 of the General and Special Laws of the State of Texas passed by the Forty-second Legislature, being known as H. B. No. 6 of said session, being 'An Act providing for open season on squirrel in Angelina and Tyler Counties, providing a penalty and declaring an emergency'."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, April 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 268, A bill to be entitled "An Act making an appropriation to pay taxes due by the State of Texas to Bowie County, Texas, for the years 1928 to 1932, inclusive, on lands owned by the Texas Prison System, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that the Committee Substitute for S. B. No. 268 do pass and be printed in lieu of the original bill.

HOLBROOK, Chairman.

C. S. S. B. No. 268.

#### A BILL

#### To Be Entitled

An Act making an appropriation to pay taxes for the years 1928 to 1932, inclusive, due certain counties on lands owned by the Texas Prison System and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, to pay taxes due, by the State of Texas, for the years 1928 to 1932, inclusive, on lands owned by the Texas Prison System, as herein enumerated:

Madison County, county and school taxes for years 1928 to 1932, inclusive .....	\$ 3,669.60
Harris County, county taxes for the years 1928 to 1932, inclusive .....	788.64
Bowie County, county and school taxes for the years 1928 to 1932, inclusive .....	2,167.27
Houston County, county and school taxes for the years 1928 to 1932, inclusive .....	9,072.43
Walker County, county and school taxes for the year 1932 .....	620.17
	<hr/>
	\$ 16,317.78

Sec. 2. The fact that under the existing law, there is no provision for the payment of these taxes and that the taxes are past due, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### FIFTY-FIFTH DAY (Continued).

Senate Chamber,  
Austin, Texas,  
April 6, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Senator Woodward.

#### Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senators Russek, Sanderford, Martin, Neal, Blackert, Redditt, Parr, Greer, Stone, Murphy, and Patton:

S. B. No. 503, A bill to be entitled "An Act providing for the erection and operation of a cement factory to belong to and be operated by the Prison System of the State of Texas, for the purpose of manufacturing cement and other road materials to be used in the construction and maintenance of State highways; provided for a location board and providing duties, provisions and requirements incident to the subject matters; making an appropriation and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 504, A bill to be entitled "An Act to prevent fraud and deception in the sale, and offering for sale, of rebuilt electric storage batteries; and prescribing penalties for the violation thereof."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Hopkins:

S. B. No. 505, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas, as statutory receiver or liquidator, when any state bank or bank and trust company organized under the laws of the State of Texas voluntarily places itself in his hands for liquidation, or when he closes a State bank or bank and trust company and takes charge of same for the purpose of liquidating it, to borrow money from the Reconstruction Finance Corporation as created by Act of Congress of the United States, and to pledge any part or all of the assets of such closed bank or bank and trust company as collateral security for said loan, and to execute all instruments required or necessary in connection with the creation of such indebtedness and the security for the same, and to authorize the Commissioner of Banking of Texas, as statutory receiver or liquidator, to renew and extend such loan or loans from time to time, and to execute all instruments in connection with the renewals or extensions of such loan or loans; and declaring an emergency."

Read and referred to Committee on Banks and Banking.